

S.C. NO.: 19832 / S.C. NO.: 19833 : SUPREME COURT
DONNA L. SOTO, ADMINISTRATRIX OF : STATE OF CONNECTICUT
THE ESTATE OF VICTORIA L. SOTO, ET
AL.

PLAINTIFFS-APPELLANTS,

VS. :

BUSHMASTER FIREARMS : MAY 30, 2017
INTERNATIONAL, LLC, A/K/A, ET AL.,

DEFENDANTS-APPELLEES

**APPLICATION OF NATIONAL RIFLE ASSOCIATION OF AMERICA, INC.
FOR PERMISSION TO APPEAR AS AMICUS CURIAE
AND TO FILE BRIEF IN SUPPORT OF DEFENDANTS-APPELLEES**

The National Rifle Association of America, Inc. (“NRA”) respectfully applies for permission to appear as *amicus curiae* and to file a brief supporting defendants-appellees in the above-captioned case.

I. Brief History of the Case

Plaintiffs-appellants are victims of the December 14, 2012 shooting carried out by Adam Lanza at Sandy Hook Elementary School in Newtown, Connecticut. They allege that defendants, who manufacture and sell rifles like the one that Lanza used at Sandy Hook, are liable for negligent entrustment because they sell those rifles to the general public. Plaintiffs also allege that defendants violated the Connecticut Unfair Trade Practices Act (“CUTPA”) in marketing and selling their rifles.

The Superior Court granted defendants’ motion to strike the complaint. It held that plaintiffs’ negligent entrustment claims failed under Connecticut law because plaintiffs alleged only “the sale of a legal product to a population that is lawfully entitled to purchase such a product,” and plaintiffs could not prove that “the general public lacks the ordinary

prudence necessary to handle” the firearms at issue. A157. It also held in the alternative that plaintiffs’ negligent entrustment claims were preempted by the federal Protection of Lawful Commerce in Arms Act (“PLCAA”), 15 U.S.C. §7901 *et seq.*, because they fall outside the “narrow definition” of negligent entrustment under that statute. A167-68. The Superior Court also struck plaintiffs’ CUTPA claim for lack of statutory standing. A172-75. This appeal followed.

II. Specific Facts Relied Upon

A. Nature of the Applicant’s Interest

The NRA is America’s oldest civil rights organization and foremost defender of the Second Amendment right to bear arms. Founded in 1871 by Union Army veterans, the NRA now has about five million members—and its education, training, and safety programs reach millions more. Among its other programs, the NRA is the Nation’s leading provider of firearms marksmanship and safety training for both civilians and law enforcement officers. The NRA has a strong interest in this case because its outcome may affect the ability of NRA members in Connecticut and elsewhere to purchase firearms for self-defense and other lawful purposes. Like all law-abiding Americans, NRA members have a fundamental enumerated right to keep and bear the firearms that plaintiffs claim cannot be entrusted to the general public.

B. Reasons Why Applicants Should Be Allowed to File an *Amicus* Brief

The NRA respectfully submits that allowing its participation as *amicus curiae* would assist the Supreme Court in resolving the issues presented in this case. In particular, the NRA would be able to provide a broader national perspective on the practical implications of plaintiffs’ position, as well as on the PLCAA and its role in preserving the Second Amendment right to bear firearms. As the proposed amicus brief will explain, plaintiffs’

position not only departs dramatically from settled Connecticut law, but would critically undermine the careful balance that Congress struck in enacting the PLCAA and seriously disrupt the established legal framework governing the lawful manufacture and sale of firearms across the country.

III. Legal Grounds upon which Movant Relies

This Court has authority to permit the filing of *amicus curiae* briefs, in appropriate cases, under Practice Book § 67-7.

IV. Conclusion

For the foregoing reasons, NRA's Application to appear in this case as an *amicus curiae* should be granted and its proposed *amicus* brief should be filed.

Respectfully submitted,

By /s/ Kenneth R. Slater, Jr. (Juris #404736)

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CERTIFICATION OF SERVICE AND COMPLIANCE

I hereby certify that the foregoing application: (1) has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law and (2) complies with the form and font requirements of Practice Book §§ 66-2 & 66-3 and all applicable rules of appellate procedure. It is further certified in accordance with Connecticut Practice Book §62-7 that a copy was mailed via electronic mail on May 30, 2017 to:

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